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Attorneys for Defendant  
DANIEL GONZALEZ

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

JANE DOE, by and through her Guardian  
Ad Litem, D.H.,

Plaintiff,

vs.

MT. DIABLO UNIFIED SCHOOL  
DISTRICT, a public entity, DANIEL  
GONZALEZ, an individual, and DOES 1  
through 10, inclusive,

Defendants.

Case No.: 3:18-CV-02589-VC

**DEFENDANT DANIEL GONZALEZ'S  
CASE MANAGEMENT  
CONFERENCE STATEMENT**

Defendant Daniel Gonzalez ("Defendant Gonzalez") hereby submits the following case management conference statement. Defendant Gonzalez only recently appeared in this case and was informed by opposing counsel that the parties were submitting separate case management conference statements, as opposed to joint statements.

1           **1. Jurisdiction and Service**

2           Plaintiff's First Claim for Relief is based upon a purported violation of 20 U.S.C. § 1981.

3           **2. Facts**

4           As against Defendant Gonzalez, Plaintiff alleges in the Complaint personal injury and  
5 emotional distress purportedly arising out of negligence, assault, and intentional infliction of  
6 emotional distress.

7           **3. Legal Issues**

8           As against Defendant Gonzalez, the legal issues arise out of Plaintiff's common-law  
9 allegations of negligence, sexual assault and intentional infliction of emotional distress.

10          **4. Motions**

11          There have been no prior motions and no motions are pending. Defendant Gonzalez  
12 anticipates that he will file a motion to stay this entire action pending resolution of the criminal  
13 proceeding against him.

14          **5. Amendment of Pleadings**

15          Defendant Gonzalez anticipates amending his answer upon resolution of the criminal  
16 proceeding. Currently, he is pleading the Fifth Amendment as to the allegations against him in  
17 the Complaint.

18          **6. Evidence Preservation**

19          Counsel for Defendant Gonzalez has reviewed the Guidelines Relating to the Discovery  
20 of Electronically Stored Information ("ESI Guidelines") and is complying with its requirements.

21          **7. Disclosures**

22          Defendant Gonzalez will timely make initial disclosures.

23          **8. Discovery**

24          Because of an ongoing criminal proceeding against him arising out of the same facts and  
25 circumstances of this case, Defendant Gonzalez intends to plead the Fifth Amendment as to all  
26 discovery propounded on him. Moreover, Defendant Gonzalez believes that this entire action  
27 should be stayed pending resolution of the criminal matter against him, or in the alternative, all  
28

discovery should be stayed.

**9. Class Actions**

This case is not a class action.

**10. Related Cases**

Defendant Gonzalez is currently being prosecuted criminally for the incident(s) giving rise to this matter in People v. Gonzalez, Contra Costa County Superior Court Action No. 1-184386-1, with the Preliminary Hearing scheduled for October 5, 2018.

**11. Relief**

Based on the Complaint, Plaintiff seeks damages.

**12. Settlement and ADR**

Defendant Gonzalez does not believe that ADR is appropriate at this time.

**13. Consent to Magistrate Judge for All Purposes**

Defendant Gonzalez does not object to this action being assigned to a Magistrate Judge.

**14. Other References**

Defendant Gonzalez contends that this action is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multi-District Litigation.

**15. Narrowing of the Issues**

None currently.

**16. Expedited Trial Procedure**

Defendant Gonzalez does not believe this is the type of case that should be handled under the Expedited Trial Procedure of General Order No. 64.

**17. Scheduling**

Defendant Gonzalez contends that any scheduling is premature until his criminal trial date is known after the October 5, 2018 preliminary hearing, and respectfully requests that the Court postpone scheduling until after the October 5, 2018 preliminary hearing. Further, Defendant Gonzalez contends that this entire action should be stayed pending resolution of the criminal matter against him.

**18. Trial**

This will be a jury trial with an anticipated time of five to seven court days.

## 19. Disclosure of Interested Entities

Defendant Gonzalez is unaware of any non-party interested entities.

## 20. Professional Conduct

Counsel for Defendant Gonzalez has reviewed the Guidelines for Professional Conduct for the Northern District of California.

## 21. Other Issues

Other than Defendant Gonzalez's anticipated motion for stay, none currently known.

Dated: 7/24/18

By: /s/ Joel Westbrook  
Joel Westbrook  
Attorney for Defendant  
DANIEL GONZALEZ